

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DAVID A. MAROTTA,

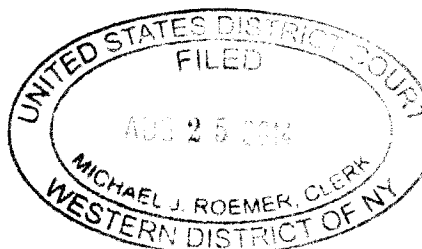
Plaintiff,

-v-

H. BATES R.N., K. TARA, R.N., D. MRYER, R.N.,
SAIRDN, R.N., DOCTOR CORNWALL,

Defendants.

DECISION AND ORDER
11-CV-691Sr



By Order dated April 13, 2012 (Docket No. 12), the Court dismissed several of the claims set forth in plaintiff's complaint and granted him leave to file an amended complaint regarding his claims of denial of medical care/deliberate indifference. Plaintiff thereafter timely filed an amended complaint (Docket No. 13), which has been screened by the Court with respect to the 28 U.S.C. §§ 1915(e) and 1915A criteria.

The Clerk of the Court is directed to file plaintiff's amended complaint, and to cause the United States Marshal to serve copies of the Summons, Amended Complaint and pages 13-16 of the original Complaint (Docket No. 1),¹ and this Order upon the named defendants without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.²

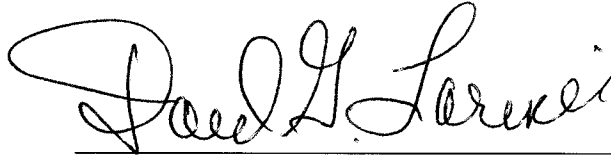
¹ Docket No. 1, pp. 13-16, attached to plaintiff's original complaint, is a four-page handwritten statement by plaintiff, dated August 8, 2011, which chronicles the denial of medical care that alleges he was subjected to at Groveland Correctional Facility. This statement is referenced in plaintiff's statement of his medical claim in his amended complaint (*see* Docket No. 13 at p. 5), and will thus be deemed to be an attachment to the amended complaint.

² Pursuant to a Standing Order of Court, filed September 28, 2012, a defendant will have 60 days to file and serve an answer or other responsive pleading, *see* Fed.R.Civ.P. 12(a)-(b), if the defendant and/or the defendant's agent has returned an Acknowledgment of Receipt of Service by Mail Form within 30 days of receipt of the summons and

The Clerk of the Court is also directed to forward a copy of this Order by email to Michael Russo, Assistant Attorney General in Charge, Buffalo Regional Office <Michael.Russo@ag.ny.gov>.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the amended complaint.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

DATED: August 18, 2014
Rochester, New York

complaint by mail pursuant to N.Y.C.P.L.R. § 312-a.